IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANTS:	Erickson et al.	EXAMINER: Jean Gilles, Jude
SERIAL NO.:	09/808,211	GROUP ART UNIT: 2143
FILED:	March 14, 2001	DOCKET: YOR920000671US1 (8728-451)
FOR:	**SYSTEM AND METHOD FOR A DISTRIBUTED SOCIAL PROXY**	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

APPEAL BRIEF

This Appeal is from a Final Office Action mailed on July 24, 2008. This Appeal was commenced by a Notice of Appeal and Pre-Appeal Brief Request for Review filed on October 24, 2008. A Notice of Panel Decision was mailed on January 5, 2009. Appellants hereby submit this Amended Appeal Brief in furtherance of the Appeal.

Appeal from Group 2824

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I. REAL PARTY IN INTEREST

The real party in interest for the above-identified application is International Business Machines Corporation, the assignee of the entire right, title and interest in and to the subject application by virtue of an assignment of recorded in the U.S. Patent and Trademark Office.

II. RELATED APPEALS AND INTERFERENCES

There are no Appeals or Interferences known to Applicant, Applicant's representatives or the Assignee, which would directly affect or be indirectly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1, 3-6, 8-20, 22 and 23 are pending, stand rejected and are under appeal. Claims 2, 7 and 21 have been withdrawn. No After Final Amendments have been made. The claims are set forth in the attached Appendix.

IV. STATUS OF AMENDMENTS

No After Final Amendments have been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the claimed inventions are directed to methods for conveying multi-perspective information graphically in an activity map which functions as a macro-social proxy for distributed users. A graphic display includes two perspectives of an environment occupied by users with tangible links connecting the two perspectives, such that each link itself reveals information. For example, a geographic perspective showing that users located in Europe are linked to a perspective showing that the users are engaged in an online dialog concerning applications, and furthermore that the Europeans are the most active population (FIG. 3 of the application illustrates this example). The link thus allows a viewer to quickly and easily determine compound information from multiple perspectives.

For purposes of illustration, the claimed inventions will be described with reference to certain Figures and corresponding text of Appellants' Specification, for example, but nothing herein shall be deemed as a limitation on the scope of the invention.

Claim 1 recites:

A computer-implemented method for representing user activity within an environment **(see, e.g., Spec. page 8, lines 15-16)** comprising the steps of:

displaying an activity map comprising at least two perspectives of the environment, wherein each perspective is an abstract graphical display of at least one aspect of the user activity within the environment **(see, e.g., Spec. page 11, line 9 to page 12, line 13 with reference to FIG. 3)**;

selecting an element of a first perspective, wherein the element of the first perspective is an abstract graphical display of a first predefined characteristic of the user activity within the environment **(see, e.g., Spec. page 12, lines 14-15)**; and

displaying a graphic link having a first end point at the element of the first perspective and a second end point at at least one element of a second perspective and representing an association between the element of the first perspective and the at least one element of a second perspective, wherein each element of the second perspective is an abstract graphical display of a corresponding predefined characteristic of the user activity within the environment **(see, e.g., Spec. page 12, lines 14-21 with reference to FIG. 3)**.

Claim 8 recites:

The computer-implemented method of claim 1, wherein the activity map includes a geographic perspective and a discussion perspective, the two perspectives associated by the user activity within the environment **(see, e.g., Spec. page 10, liens 3-10 and FIGS. 2 and 3)**.

Claim 12 recites:

A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for interacting with an environment having an aspect **(see, e.g., Spec. page 8, lines 15-16)**, the method steps comprising:

representing the aspect in an activity map including at least two perspectives of the aspect **(see, e.g., Spec. page 11, line 9 to page 12, line 13 with reference to FIG. 3)**;

representing an activity of a user within the environment, wherein the activity corresponds to the aspect and is represented in each perspective separately **(see, e.g., Spec. page 10, lines 3-15)**; and

representing the activity of the user as a line rendered between each perspective of the aspect **(see, e.g., Spec. page 12, lines 14-21 with reference to FIG. 3)**.

Claim 19 recites:

A computer-implemented method for representing a transactional environment having aspects **(see, e.g., Spec. page 14, lines 3-13)** comprising the steps of:

displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives, wherein the tangible link is a line having ends points at aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map **(see, e.g., Spec. page 12, lines 14-21 with reference to FIG. 3)**;

providing at least one perspective in which an on-line transaction is conducted between at least two market participants **(see, e.g., Spec. page 14, lines 3-13)**; and

representing the market participants within the activity map **(see, e.g., Spec. page 7, lines 9-14)**.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Rejections Under 35 U.S.C. § 103

i. Claims 1, 3-6, 8-20, 22 and 23 have been rejected under 35 USC 103(a) as being unpatentable over Liou et al. (US 2002/0059395) in view of Leshem et al. (US 6,470,383).

VII. ARGUMENTS

A. Rejections Under 35 U.S.C. § 103

"In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). It is well established that a *prima facie* showing of obviousness requires, in general, a two part analysis – starting with a claim interpretation analysis to determine the scope and substance of the subject matter being claimed, followed by an obvious analysis to determine whether the claimed subject matter (as interpreted) is obvious in view of the prior art. Once the claims have been properly constructed, the Examiner has the burden of establishing a *prima facie* case of obviousness. 'A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

i. Claims 1, 3-6, 8-20, 22 and 23 have been rejected under 35 USC 103(a) as being unpatentable over Liou et al. (US 2002/0059395) in view of Leshem et al. (US 6,470,383).

(1) Claim 1:

Claim 1 recites, *inter alia*, "displaying a graphic link having a first end point at the element of the first perspective and a second end point at at least one element of a second perspective and representing an association between the element of the first perspective and the at least one element of a second perspective."

The claimed invention links elements in different perspectives graphically, such that the link represents an association between the elements of different perspectives; using FIG. 3 of the present application as an example, one can immediately tell from the graphic links that the topic "APPLICATIONS" is highly commented by users in Europe. The "TOPICS" perspective of user activity has an element "APPLICATIONS" and the "GEOGRAPHY" perspective of user activity has an element "Europe" associated by a link, and the link itself is representative of the association therebetween. In this regard the combination of Liou and Lesham is not only not analogous to the claimed invention but entirely irrelevant; neither Liou nor Lesham alone or in combination teach or suggest the display of two or more perspectives, much less a graphic link between elements of the perspectives. Consider the following:

Liou teaches a method for providing a user interface for product exploration and product configuration (see Abstract). Liou teaches tabs for switching between views of product information (see paragraph [0035]). Selecting a tab hides a current view of product information and reveals a selected view of product information. Thus, Liou displays only one view at any given time; Liou fails to teach displaying an activity map comprising at least two perspectives. By extension, Liou fails to teach or suggest a

graphic link connecting two perspectives, much less connecting elements of the two perspectives, essentially as claimed in Claim 1.

Leshem teaches a navigational aid of an Astra graphical user interface (see FIG. 5) and comparison tool (see FIG. 21). Leshem's display of the navigational aid is a single perspective view - a map of websites connected by links (e.g., hyperlinks) (see col. 8, lines 37-42, col. 13, lines 6-10 and FIG. 1). In view of the comments at pages 3-4 of the Final Office Action the rejection relies on an interpretation of FIG. 21 as showing a "current map is linked with the compare maps via URLs and links allowing the display of the comparison map data structure." Respectfully, this interpretation is not supported by Leshem; FIG. 21 shows changes to the URLs and links, e.g., whether the URL is new, modified, or deleted, between versions of the same map. There is no connection whatsoever between the current map and the compare map, rather the maps are combined in a single, separate, view (a "comparison map data structure"). FIG. 21 is essentially a track changes representation of a website; there is no teaching or suggestion that a current map is linked with a compare map "via URLs and links." The URLs of FIG. 21 merely map a structure of a website. Even assuming *arguendo* that a map is a perspective, there is not application of the URLs to connect different maps or perspectives, much less elements of perspectives. Indeed, the rejection fails to make out a *prima facie* case of obviousness by failing to address an "element" of a perspective.

In view of the foregoing, an application of the teachings of Lesham to Liou would result in a one perspective or view (i.e., a map) of the structure of Liou's catalog; Lesham's method would strip away or flatten the multi-view aspects of Liou, laying them

bear in a single view of a map. There is no teaching or suggestion in either Liou or Lesham of how to achieve a display of at least two perspectives, much less how to link "elements" of perspectives. Therefore, the combined teachings of Liou and Lesham fail to teach or suggest all of the limitations of Claim 1.

(2) Claim 8:

Claim 8 claims "wherein the activity map includes a geographic perspective and a discussion perspective, the two perspectives associated by the user activity within the environment."

The combined teachings of Liou and Lesham teach views of product data and map of websites, respectively. The combined teachings of Liou and Lesham fail to teach or suggest either a geographic view or a discussion perspective of user activity. The rejection relies on FIGS. 7 and 8 of Liou showing "performance" and "requirements" views of product data. Neither product performance nor product requirements are analogous to the claimed geographic perspective or discussion perspective. Therefore, Claim 8 is believed to be allowable over the teachings of Liou and Lesham.

(3) Claim 12:

Claim 12 recites, *inter alia*, "representing the aspect in an activity map including at least two perspectives of the aspect; representing an activity of a user within the environment, wherein the activity corresponds to the aspect and is represented in each perspective simultaneously; and representing the activity of the user as a line rendered between each perspective of the aspect."

Liou teaches method for providing a user interface for product exploration and product configuration (see Abstract). Liou teaches a literal view of product information (see for example, FIG 1). Liou's literal view of product information is not "an activity map including at least two perspectives of the aspect." For example, Liou teaches the use of tabs to switch between individual views - no more than one window corresponding to a selected tab is displayed at any time. Further, the tabs clearly do not represent "the activity of the user as a line rendered between each perspective of the aspect" as claimed in Claim 12. Tabs reveal product information and are unrelated to displaying the activity of a user. Therefore, Liou fails to teach all the limitations of Claim 12.

Leshem teaches a navigational aid of an Astra graphical user interface (see FIG. 5). Leshem's display of the navigational aid (a website map of links between URLs) is clearly from a single perspective - that of a map of websites (see col. 8, lines 37-42, col. 13, lines 6-10 and FIG. 1). In the remarks at page 4 of the Final Office Action, the Examiner suggests that the rejection is based on an interpretation of Leshem having "a graphical display representing more than one perspective showing links (line rendering) connected them (see items 288, 290, 292 of fig. 22)". Applicant interprets this to mean that the Examiner views the dialog box as a "line rendered between each perspective of the aspect". Respectfully, the interpretation relies on an incorrect claim limitation that substitutes "line rendering" for "line rendered"; the limitation "line rendering" bears no resemblance to the claimed invention or the teachings of the reference. For example, the dialog box displays URLs of missing content objects and links addressing a selected URL of a missing content object (see col. 31, lines 45-59); it is clear that the dialog box

is not "a line". Further, the interpretation fails to address what perspectives the supposed "line" is rendered between.

As described above, Leshem's link is rendered between URL's of the same perspective or view, that of a map, wherein an application of Lesham's method to Liou would strip away the multi-view aspects of Liou. Therefore, the combined teachings of Liou and Lesham fail to teach or suggest "representing the activity of the user as a line rendered between each perspective of the aspect" as claimed in Claim 12.

(4) Claim 19:

Claim 19 recites, *inter alia*, "displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives, wherein the tangible link is a line having ends points at aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map."

Liou teaches method for providing a user interface for product exploration and product configuration (see Abstract). Liou teaches a literal view of product information (see for example, FIG 1). Liou's literal view of product information does not display a "tangible link is a line having ends points at aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map" as claimed in Claim 19. With respect to Claim 19, Liou is clearly deficient;

Liou's tabs are clearly not analogous to a line between perspectives. Therefore, Liou fails to teach all the limitations of Claim 19.

Leshem teaches a navigational aid of an Astra graphical user interface (see FIG. 5). Leshem's display of the navigational aid is clearly from a single perspective - that of a map of websites, websites connected by links (e.g., hyperlinks) (see col. 8, lines 37-42, col. 13, lines 6-10 and FIG. 1). The URLs and links in FIG. 21 of Lesham map a structure of a website without application to different perspectives.

As discussed above with respect to Claim 1, an application of the teachings of Lesham to Liou would result in a single view of the structure of Liou's catalog stripping away the multi-view aspects of Liou. That is, displaying two nodes representing different perspectives in a single perspective is not analogous to the claimed display of at least two perspectives; combined teachings of Liou and Lesham would produce a view having only one perspective.

The combined teachings of Liou and Lesham fail to teach or suggest displaying a tangible link as "a line having ends points at aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map" essentially as claimed in Claim 19.

ii. Conclusion

The 103 rejection in view of Liou and Lesham as applied to Claims 1, 12 and 19 is believed to be legally defective for at least the reasons given above. Claims 3-6, and 8-11 depend from Claim 1. Claims 13-18 depend from Claim 12. Claim 20 and 22-23 depend from Claim 19. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims. Accordingly, withdrawal of the anticipation rejection is respectfully requested.

Respectfully submitted,

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VIII. Claims Appendix

1. (Rejected) A computer-implemented method for representing user activity within an environment comprising the steps of:

displaying an activity map comprising at least two perspectives of the environment, wherein each perspective is an abstract graphical display of at least one aspect of the user activity within the environment;

selecting an element of a first perspective, wherein the element of the first perspective is an abstract graphical display of a first predefined characteristic of the user activity within the environment; and

displaying a graphic link having a first end point at the element of the first perspective and a second end point at at least one element of a second perspective and representing an association between the element of the first perspective and the at least one element of a second perspective, wherein each element of the second perspective is an abstract graphical display of a corresponding predefined characteristic of the user activity within the environment.

2. (Cancelled)

3. (Rejected) The computer-implemented method of claim 1, further comprising the steps of:

determining a value of at least one predefined characteristic of the user activity; and

dynamically incorporating the value of the at least one predefined characteristic of the user activity in the activity map.

4. (Rejected) The computer-implemented method of claim 1, wherein each predefined characteristic of the user activity includes one of a user location, a user status within a hierarchy, a user emotion, and a quality of user conversation.

5. (Rejected) The computer-implemented method of claim 1, wherein the graphic link associates the at least two perspectives of the activity map.

6. (Rejected) The computer-implemented method of claim 1, wherein the graphic link is a line linking a user's activity represented separately in the at least two perspectives of the activity map, wherein the at least two perspectives of the activity map are non-overlapping.

7. (Canceled)

8. (Rejected) The computer-implemented method of claim 1, wherein the activity map includes a geographic perspective and a discussion perspective, the two perspectives associated by the user activity within the environment.

9. (Rejected) The computer-implemented method of claim 8, wherein the discussion perspective includes at least one topic, wherein each topic is an element.

10. (Rejected) The computer-implemented method of claim 1, wherein each perspective is one of a representation of the user activity, and a representation of user input to the environment.

11. (Rejected) The computer-implemented method of claim 1, wherein the environment is a transactional environment.

12. (Rejected) A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for interacting with an environment having an aspect, the method steps comprising:

representing the aspect in an activity map including at least two perspectives of the aspect;

representing an activity of a user within the environment, wherein the activity corresponds to the aspect and is represented in each perspective separately; and

representing the activity of the user as a line rendered between each perspective of the aspect.

13. (Rejected) The program storage device of claim 12, wherein the environment is a transactional environment and the user is a market participant.

14. (Rejected) The program storage device of claim 12, wherein the activity map includes at least one perspective in which an on-line transaction is conducted.

15. (Rejected) The program storage device of claim 12, wherein the line rendered is a tangible cue which associates the perspectives.

16. (Rejected) The program storage device of claim 12, wherein the line rendered is a line linking a user's activity represented separately in the at least two perspectives of the activity map, wherein the at least two perspectives of the activity map are non-overlapping.

17. (Rejected) The program storage device of claim 12, wherein a single perspective incorporates more than one aspect.

18. (Rejected) The program storage device of claim 12, wherein the aspect may be represented by more than one perspective.

19. (Rejected) A computer-implemented method for representing a transactional environment having aspects comprising the steps of:

displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives, wherein the tangible link is a line having ends points at aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map;

providing at least one perspective in which an on-line transaction is conducted between at least two market participants; and

representing the market participants within the activity map.

20. (Rejected) The computer-implemented method of claim 19, wherein perspectives of the activity map are associated by market participant activity.

21. (Cancelled)

22. (Rejected) The computer-implemented method of claim 19, wherein the transactional environment is one of a business, a market place, and an auction house.

23. (Rejected) The computer-implemented method of claim 19, wherein the at least two perspectives of the activity map are displayed as non-overlapping abstract graphical displays.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.